

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Asheville Division**

Ronnie C. Hedgepeth, Jr., Shira Hedgepeth,
Robert L. Young, and Mary H. Young,

Appellants,

v.

Smoky Mountain Country Club Property
Owners' Association, Inc., and SMCC
Clubhouse, LLC,

Appellees.

Case No. 1:19-cv-00360-MR

**APPELLEES SMOKY MOUNTAIN COUNTRY CLUB PROPERTY OWNERS'
ASSOCIATION, INC., AND SMCC CLUBHOUSE, LLC
MOTION TO DISMISS APPEAL**

Appellees Smoky Mountain Country Club Property Owners' Association, Inc. ("Debtor"), and SMCC Clubhouse, LLC ("SMCC"), hereby move, pursuant to Rule 8013 of the Federal Rules of Bankruptcy Procedure, to dismiss the appeal filed by Appellants, Ronnie C. Hedgepeth, Jr. and Shira Hedgepeth, and Robert L. Young, and Mary H. Young, from the Order Confirming Plan of Reorganization of Debtor and SMCC entered by the Bankruptcy Court on December 19, 2019 (Bankr. Docket No.260) (the "Confirmation Order"). As described in the Memorandum of Law in Support filed contemporaneously herewith, the Appellants have failed to show that they have standing under Article III of the United States Constitution or bankruptcy standing to appeal from the Confirmation Order. Because Appellants lack standing, their appeal should be dismissed.

WHEREFORE, the Debtor and SMCC respectfully request that this Court enter an Order:

- A. Granting the Motion;
- B. Dismissing the appeal; and

C. Granting the Debtor and SMCC such other and further relief as the Court deems just and proper.

This the 25th day of March, 2020.

RAYBURN COOPER & DURHAM, P.A.

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